

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

RAYMOND C. WALEN, JR.,

Plaintiff,

Case no. 06-14201

HON. JOHN CORBETT O'MEARA

v.

EMBARQ PAYPHONE SERVICES  
INC.,

Defendant.

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ORDER ADOPTING MAGISTRATE JUDGE'S  
REPORT AND RECOMMENDATION

The Court having reviewed Magistrate Judge R. Steven Whalen's Report and Recommendation, filed July 28, 2009, as well as any objections thereto filed by the parties, and being fully advised in the premises;

IT IS HEREBY ORDERED that the Report and Recommendation is accepted and adopted by this Court.

IT IS FURTHER ORDERED that Defendant Embarq Payphone Services, Inc.'s Motion for Summary Judgment, filed October 02, 2008 is GRANTED, and Plaintiff's amended complaint is DISMISSED with prejudice.

s/John Corbett O'Meara

United States District Judge

Date: September 17, 2009

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, September 17, 2009, using the ECF system and/or ordinary mail.

s/William Barkholz

Case Manager